



In the United States District Court
For the Western District of New York

ROY ELLISON JR.

Plaintiff,

v. Monroe County Jail
Correct Care Solutions (CCS)

EVA LOPEZ, Head of Medical Records;
CHRISTINE ROSS, Head of Health Services
Administration;
individually and in their official capacities,

Defendants.

X 15CV1069 V

Complaint

Civil Action No

Jury Trial Demanded

Plaintiff, Roy Ellison, pro se, for their complaint state as follows:

Parties, Jurisdiction and Venue

1. Plaintiff Roy Ellison was confined in the Monroe County Jail, located at 130 South Plymouth Ave. in the city of Rochester in the state of New York, from the date of June 11, 2015 to the month of November of 2015. Plaintiff is still currently confined at 130 South Plymouth Ave. Rochester, New York 14614.
2. Plaintiff Roy Ellison is, and at all times mentioned herein, an adult citizen of the United States and a resident of the state of New York.
3. Defendant "Eva Lopez" is and was at all relevant times herein the Head of Medical Records of the Monroe County

Jail. Defendant manages its day-to-day operations and executes its policies.

4. Defendant "Eva Lopez" is and at all relevant times herein an employee at the jail.
5. Defendant "Christine Ross" is and was at all relevant times herein the Head of Health Services for the Monroe County Jail. As the Head of Health Services, defendant manages its day-to-day operations and executes its policies.
6. Defendant "Christine Ross" is and was at all relevant times herein an employee at the jail.
7. This action arises under and is brought pursuant to 42 U.S.C. Section 1983 to remedy the deprivation, under color of state law, of rights guaranteed by the Eighth and Fourteenth Amendments to the United States Constitution. This court has jurisdiction over this action pursuant to 28 U.S.C. Sections 1331 and 1333.
8. Plaintiff's claims for injunctive relief are authorized by Rule 65 of the Federal Rules of Civil Procedure.
9. This cause of action arose in the Western District of New York. Therefore, venue is proper under 28 U.S.C. Section 1331(b).

Previous Lawsuits by Plaintiff

10. Plaintiff has filed no other lawsuits dealing with the same facts involved in this action or otherwise relating to his/her imprisonment.

Exhaustion of Administrative Remedies

11.

Statement of Claim

12. At all relevant times herein, defendants were "persons" for purposes of 42 U.S.C. Section 1983 and acted under color of law to deprive plaintiff of their constitutional rights, as set forth more fully below.

Statement of Facts

13. In July of 2015, plaintiff's jailhouse doctor "Deasis", made him an appointment to go see his outside Chronic Doctor at Strong Memorial Hospital. When plaintiff went to see his doctor, plaintiff was told he couldn't receive any medication for his diagnosed sickness until plaintiff was seen by his primary, heart, and kidney doctor.

14. In August 2015, plaintiff's Chronic Doctor made him an appointment for blood work at the Monroe County Jail, and made plaintiff another appointment to see him back up to 4 weeks

15. After 4 weeks had arrived defendants #1 and #2 had negligently or deliberately overlooked plaintiff's transportation to go see his doctor, due to defendants #1 and #2 negligence plaintiff was unable to obtain adequate or timely medical care, which caused plaintiff to get

and suffer pain and mental anguish from his Kidney failing and catching pneumonia in the month of September 2015.

16. In the month of October 2015, plaintiff was scheduled for more outside appointments to see his doctor, but defendants #1 and #2 did not make sure that plaintiff was provided with the necessary transportation for plaintiff to obtain adequate or timely medical care.
17. In the month of November 2015, more outside appointments was scheduled for plaintiff, but as this usual and repetitive behavior of defendants #1 and #2 who were aware and responsible in making sure that plaintiff got his needed transportation was negligently and deliberately overlooked by them!

Prayer for Relief

18. Plaintiff request an order declaring that the defendants have acted in violation of the United States Constitution.
19. Plaintiff requests \$1,000,000.00 as compensatory damages.

EDWARD A. IGNARRI
Notary Public, State of New York
Registration # 011G493575
County of Monroe

My Commission Expires July 25, 2018

Roy Ellis
Edward A. Ignarri 12/16/15 Roy Ellison

I declare under penalty of perjury that the foregoing is true and correct.

DATE: 12-16-15

PLAINTIFF'S NAME

The summary to resolve stated that inmate should have filed the grievance within (5) five days. Nevertheless the Director of Nursing "Zehler" was going to continue the investigation.

#1. Christine Ross deliberately hide details on the follow up of grievance investigation of Pg1 of 1 in the heading.

#2. Paragraph 2 revealed that Christine Ross and Eva Lopez were aware and responsible for Roy Ellison's follow up with Dr. Richard Scott Dent : Christine Ross

stated "Since Dr. Deasis is his PCP while incarcerated we would not send him out to see an equivalent outside doctor."

In other words she used Dr. Deasis to surpass

Dr. Richard Scott Dent's role using him as a dictator to choose what's right and wrong with procedures to give grievant

Roy Ellison. This neglect from Christine Ross admitting her

dictation into not allowing me (Roy Ellison) to go to the follow up

appointment(s) with my doctor, which return caused me to

get sick and rushed out to the outside hospital because of

my kidneys failing and pneumonia cause as stated in my

grievance Part 2. In paragraph 2 I was told by my

outside doctor that I would not be given any medication

to help me unless I first be seen by my heart, kidney

and primary doctor. At that time I was scheduled to come

back in (4) four weeks. Which was deliberately not adhered

to by Christine Ross. To summarize this issue up I was

denied adequate medical care from seeing my kidney doctor for

he could determine what proper medication I should be given

but by Eva Lopez and Christine Ross deliberate indifference I

was not allowed the transportation to see my doctor and from

their negligence this stopped the process of me getting approval

for my medication and without the medication I got real sick

and almost died.

#3 In paragraph #4 of the investigation of grievance

Christine Ross States: I (Roy Ellison) was seen in the Clinical on 7/23/2015 with instructions to follow up in (4) four weeks. Christine Ross also stated "There is a note that he should see Cardiologist and nephrology. I did not see a cardiologist or nephrology on an outpatient basis. Here is Christine Ross again admitting that she persuaded Dr. Deasis to play the dictator role of being heart and kidney doctor which he is not qualified nor have a license for.

#4 In Paragraph #5 Christine Ross states that I wanted

to restart my HIV medication which she claims that I have been noncompliant with. It is documented in my medical records back in the month of June and July of 2015 that I was taking medication that was making me sick by catching fevers and chills was the reason why I had temporarily stopped taking those medications and my doctor had taken me off of them due to those side effects that was affecting me. And deliberately not provide me with transportation.

#5 In Paragraph #6 Christine Ross and Eva Lopez hide

more details concerning more outside appointments that were made for me to see my outside doctor Eldaher Nayef MD on the date of October 26, 2015 and another appointment to see the outside Dr. Isashyap Rendeeprajp MD on the date of November 2, 2015 Defendants Christine Ross and Eva Lopez hide these details by stating the appointments were on October 24 2015 and November 4, 2015

New York State Commission of Correction

Grievance Form - Part IFacility: Monroe County JailHousing Location: Mo33A #6Name of Inmate: Roy Ellison

Grievance #: _____

Brief Description of the Grievance (Completed by the grievant):

Number of Additional Sheets Attached ()

Grievant is bringing forth the following allegations against "Christine Ross" who is the head medical doctor of this here Monroe County jail with the following attached statements for the reason why grievant feels that his right to adequate medical care etc... has been violated. Allegations include:

Failure To Protect; Deliberate Indifference; Denial of Adequate medical care...

See attached Statements.

Action requested by the grievant (Completed by the grievant):

Number of Additional Sheets Attached ()

Grievant Signature: Ellison RoyDate/Time Submitted: November 3, 2015Receiving Staff Signature: ZDate/Time Received: 11-4-15 0800Summary of facility staff attempts to resolve (Completed by Grievance Coordinator): Number of Additional Sheets Attached ()

(Attach relevant documentation)

On November 5, 2015, Director of Nursing Zehler, Inmate Ellison and I met in the Sick Call area. Inmate

Ellison began to discuss the issues he was having with Medical. Inmate Ellison indicated he was grieving over blood work that was ordered in July, but not completed. It was explained to inmate Ellison that per New York State Commission of Corrections Minimum Standard documents, Pursuant to 9NYCRR §7032.4 (d), which states, "An inmate must file a grievance within five days of the date of the act or occurrence giving rise to the grievance". The grievance is being returned to Inmate Ellison. DON Zehler was going to continue to investigate Inmate Ellison's concerns, and document her findings to Inmate Ellison.

S M

DATE: November 3, 2015.

In the month of June 2015, grievant was scheduled for a lot of outside medical appointments, which this jail's head of medical staff "Christine Ross", was well aware of it, and grievant has made numerous requests to be taken to his outside appointments to no avail.

In July of 2015, grievant was told by his outside medical doctor that he wouldn't be given any medication to help him unless he first be seen by his heart, kidney, and phimatology doctor, and was told to come back in 4 weeks.

When August 2015, came, grievant was denied by this here administration to attend his outside trips to the hospital, to meet with his acquired doctors for he could start receiving medication to help his sickly physical state, thus causing grievant to become real sick, and suffering from pain both physically and mentally!

Grievant became so sick that he had to be rushed to the outside hospital in the month of September 2015.

After spending a little bit over a month in the Strong Memorial Hospital, grievant was discharged and sent back to the Monroe County jail, on the date of October 20, 2015.

Before leaving Strong Hospital, grievant's outside doctor had scheduled him 2 outside appointments, and they were on the dates of October 26, 2015 & November 2, 2015, which grievant wasn't allowed to attend as usual, due to the Cruel & Unusual Punishment and prejudice-negligent-behavior of "Christine Ross".

end

Grievant Signature: Ellison, Roy

Date/Time Submitted: November 3, 2015

Roy Ellison 202209
130 S. Plymouth Ave
Rochester N.Y. 14614

2120 Kennet
100 State
Rochester





B. Keating Federal Building

t.

J.Y. 14614